

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DELLA LAMB

PLAINTIFF

v.

CAUSE NO. 1:16CV190-LG-RHW

**UNITED STATES DEPARTMENT OF THE
INTERIOR, GULF ISLANDS NATIONAL
SEASHORE, ERNEST ECHOLES, PAM PIERCE,
NATIONAL PARK SERVICE, and DAVIS BAYOU**

DEFENDANTS

ORDER DISMISSING CASE WITHOUT PREJUDICE

THIS MATTER IS BEFORE THE COURT sua sponte. For the foregoing reasons, the Court finds that this lawsuit should be dismissed without prejudice due to the plaintiff Della Lamb's failure to name a proper defendant to this lawsuit.

DISCUSSION

The plaintiff Della Lamb originally filed this lawsuit against the United States Department of the Interior and the Mississippi Unit of the Gulf Islands National Seashore, alleging that she was injured when she stepped in a hole at the Davis Bayou Campground at Gulf Islands National Seashore. The Court construed Lamb's claim as a Federal Tort Claims Act (FTCA) claim. *See* 28 U.S.C. § 2679(b)(1) (providing that the FTCA is the exclusive remedy for compensation for a federal employee's tortious acts committed in the scope of employment).

On June 9, 2016, the Court entered an Order [3] that explained that Gulf Islands National Seashore and the United States Department of the Interior cannot

be sued under the FTCA. The Court also clearly explained that an FTCA claim can only be filed against the United States of America.

On June 15, 2016, Lamb filed an Amended Complaint [4] that once again named the Gulf Islands National Seashore and the United States Department of the Interior as defendants. She has also named Facility Manager Ernest Echoles, Campground Supervisor Pam Pierce, and the National Park Service as defendants. Therefore, Lamb's Amended Complaint did not comply with this Court's prior Order [3]. The Court entered a second Order [5] requiring Lamb to file an amended complaint that names a proper defendant.

On July 6, 2016, Lamb filed her Second Amended Complaint. She again named the Gulf Islands National Seashore, the United States Department of the Interior, Facility Manager Ernest Echoles, Campground Supervisor Pam Pierce, and the National Park Service as defendants. She also named the campground, Davis Bayou, as a defendant. Despite the Court's clear instructions, Lamb has failed to name a proper defendant to this lawsuit.

As this Court has repeatedly explained, agencies and federal employees cannot be sued under the FTCA. *Galvin v. OSHA*, 860 F.2d 181, 183 (5th Cir. 1988). The United States of America is the only defendant that can be sued under the FTCA. *Id.* Since Lamb has only named federal employees and agencies as defendants and since she has not named the United States of America as a defendant, the Court finds that her lawsuit must be dismissed without prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this lawsuit is

DISMISSED WITHOUT PREJUDICE.

SO ORDERED AND ADJUDGED this the 6th day of July, 2016.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE